

SENATE BILL No. 153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-13-2.3.

Synopsis: Joint legal custody in paternity actions. Amends the factors that a court must consider in awarding joint legal custody after paternity has been established to include: (1) whether the child has had an opportunity to establish; (2) whether a parent wishes to establish; and (3) whether a parent has attempted to prevent the other parent from establishing; a close and beneficial relationship with the child.

Effective: July 1, 2010.

Taylor

January 5, 2010, read first time and referred to Committee on Judiciary.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 153

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-14-13-2.3, AS ADDED BY P.L.95-2009,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 2.3. (a) In a proceeding to which this chapter
4 applies, the court may award legal custody of a child jointly if the court
5 finds that an award of joint legal custody would be in the best interest
6 of the child.

7 (b) An award of joint legal custody under this section does not
8 require an equal division of physical custody of the child.

9 (c) In determining whether an award of joint legal custody under
10 this section would be in the best interest of the child, the court shall
11 consider it a matter of primary, but not determinative, importance that
12 the persons awarded joint legal custody have agreed to an award of
13 joint legal custody. The court shall also consider:

14 (1) the fitness and suitability of each of the persons awarded joint
15 legal custody;

16 (2) whether the persons awarded joint legal custody are willing
17 and able to communicate and cooperate in advancing the child's



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- 1 welfare;
 2 (3) the wishes of the child, with more consideration given to the
 3 child's wishes if the child is at least fourteen (14) years of age;
 4 (4) whether the child:
 5 **(A) has had an opportunity to establish; or**
 6 **(B) has established;**
 7 a close and beneficial relationship with both of the persons
 8 awarded joint legal custody;
 9 **(5) whether a parent wishes to establish a close and beneficial**
 10 **relationship with the child;**
 11 **(6) whether a parent has attempted to prevent the other**
 12 **parent from establishing a close and beneficial relationship**
 13 **with the child;**
 14 ~~(5)~~ (7) whether the persons awarded joint legal custody:
 15 (A) live in close proximity to each other; and
 16 (B) plan to continue to do so;
 17 ~~(6)~~ (8) the nature of the physical and emotional environment in
 18 the home of each of the persons awarded joint legal custody; and
 19 ~~(7)~~ (9) whether there is a pattern of domestic or family violence.

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